

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:
U.S. Patent No. 5,923,467
Issued: July 13, 1999

Inventors: Pericic et al. (deceased)

Serial No: (Not assigned)

Filed: (Concurrently herewith)

For: BINOCULAR BENT-AXIS LOUPES

§ Atty Docket No: 24689/101

§

§

§

§

§

Group Art Unit: (Not assigned)

§

§

Examiner: (Not assigned)

§

§

§

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Box REISSUE
Washington, DC 20231

Sir:

Prior to examination of the above-identified reissue application, please enter the following amendments:

IN THE CLAIMS

Please add new claims 16-20 as follows:

16. Binocular, bent-axis optical loupes, comprising:
a frame including means for attaching the frame on the head of a
human user; and
a pair of optical devices mounted on the frame at positions proximate
a respective eye of a human user, wherein each such device includes an ocular
having an ocular axis, which ocular axis is in line with the normal visual axis of the
human user when looking straight ahead when the frame is attached to the head of
the human user, an objective which defines a field of view outside the normal visual
axis of the human user when looking straight ahead, the objective having an
objective axis, the objective axis being at an obtuse angle with respect to the ocular
axis, which angle opens toward the human user when the frame is attached to the

head of the human user, and a light transfer device located between the ocular and the objective, which light transfer device redirects light from the objective to the ocular, whereby an object which appears in the field of view of the objective is capable of being viewed through the ocular.

17. The optical loupes of claim 16, further including a light source provided on the frame between the optical devices, the light source providing a gradually diverging beam directed to illuminate the object being viewed in a manner which gives the effect of true co-axial illumination.

18. The optical loupes of claim 17, wherein the light beam and the objective axes are focused on the object being viewed.

19. The optical loupes of claim 16, wherein the objective axis and the ocular axis intersect.

20. The optical loupes of claim 16, wherein the obtuse angle is in the range of 120° to 150°.

REMARKS

Claims 1-15 were granted on July 13, 1999, in U.S. Patent No. 5,923,467 ("the 467 patent"), which matured from application Serial Number 08/244,554, filed on September 1, 1994. Claims 16-20 are newly added by this Amendment. Hence, claims 1-20 are submitted for examination on the merits in view of the foregoing amendments and the following remarks.

New claims 16-20 are added to more broadly recite the present invention disclosed in the 467 patent and to define the invention with the variety in scope and the degree of specificity necessary to adequately protect the invention. New independent claim 16 recites the same invention as independent claim 1 but without the unnecessary features of (1) a light source provided on the frame between the optical devices and (2) the objective axis and ocular axis intersecting. These unnecessary features were recited in claim 1 as originally filed in the U.S. Patent and Trademark Office due to Applicant's failure to appreciate the true scope of the invention, and nothing in the prosecution history indicates an unequivocal surrender of such subject matter. The subject matter of the new claims 16-20 is described and enabled by

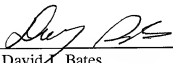
the original specification of the '467 patent. In particular, support for new claim 16 exists in FIGS. 1-3 of the '467 patent and in column 1, lines 54-67; support for new claim 17 exists in FIGS. 2 and 4 of the '467 patent and in the associated description in the specification; support for new claim 18 exists in claim 4 of the '467 patent; support for new claim 19 exists in FIG. 3 and in column 2, lines 1-12; and support for new claim 20 exists in claim 2 of the '467 patent.

The new claims are being filed within two years of the grant of the '467 patent. Accordingly, the present reissue application is timely filed in accordance with 35 U.S.C. § 251, fourth paragraph. Applicant wishes to defer the offer to surrender the original Letters Patent until an indication of allowability in the reissue application, pursuant to 37 C.F.R. § 1.178 and MPEP § 1416.

The present application is earnestly believed to be in condition for allowance, and therefore a notice of allowance is respectfully solicited. The Examiner is invited to telephone the undersigned at the telephone number listed below if such would advance the prosecution of this case.

Respectfully submitted,

Date: July 13, 2001

By: 
David J. Bates
Registration No. 39,902

FOLEY & LARDNER
777 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-5367
Telephone: (414) 297-5760
Facsimile: (414) 297-4900